

The Madison County Plan Commission on the above date at 9:00 A.M. with Bill Maxwell, President, presiding.

Members Present: Bill Maxwell, Paul Wilson, John Randall, Jr., Larry Crenshaw, John Simmermon Brad Newman, and Mark Gary.

Members Absent: Wesley Likens and John Orick.

Also Present: Cory Wilson, Executive Director. Judy King, Plan Reviewer, Gerald Shine, Jr., Attorney, and Beverly Guignet, Secretary.

Current Business

1. Roll call was taken with Likens and Orick being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Newman made a motion to approve the minutes. Member Randall seconded the motion. The vote was unanimous in favor of the motion.

New Business:

1. **Petition:** #08-Z-007
Address: 3645 North SR 9
Location: Anderson, Lafayette Township
Petitioner: Tammy Jane Hall
Request: Rezone 0.916 acre from General Commercial (GC) to Residential (R-2), to legally establish an existing single-family dwelling.

Director Wilson informed the board the agenda for this year was approved in December of 2007. Normally the board meets on the second Tuesday of each month. Since he was not here he doesn't know why this date was changed to the first Tuesday but, it was approved by the board.

All legal ads and notices were sent out on September 22 for this petition which met the requirement for making this hearing. There has been no response from anyone in the immediate area concerning this petition. The only thing which was not posted properly was the signature for the property. If the board so desires they could grant a waiver for the signage.

Member Crenshaw made a motion to waive the signage based on all conditions being met. Member Newman seconded the motion. The vote was unanimous in favor of the motion.

Tammy Jane Hall, 3645 N St. Rd. 9 was present representing this petition.

Ms. Hall told the board when they purchased the home the ground was zoned Residential 2. When the new ordinance came in to affect it was changed to General Commercial. When she went to refinance the home the lender would not approve it under the current zoning even with the existing home. If anything happened to the

house, i.e., fire, being sold, etc. she would not be able to obtain a loan based on the current zoning. This is why the zoning change is being requested.

Director Wilson told the board this is not the first time a situation like this has come before the board and with the new zoning changes there will be others.

Director Wilson informed the board the Technical Review Board gave unanimous approval for this at their September 16 meeting.

Director Wilson stated staff recommends approval of the zoning request.

The following issues were considered in formulating the recommendation:

LAND USE

- ◇ The subject site is an approximately 0.916-acre parcel located along the west side of SR 9 North, just north of the City of Anderson. This request would rezone the parcel from the General Commercial (GC) district to the Residential 2 (R2) classification to legally establish a single-family dwelling. The Comprehensive Plan recommends commercial development for a portion of this site and residential for the remainder.

BACKGROUND

- ◇ In 2001, this parcel, along with all neighboring parcels that front along State Road 9 North, was rezoned to the General Commercial District during the update of both the Comprehensive Plan and the *Madison County Land Use & Development Code*. The reason for that rezoning was to encourage commercial development along State Road 9, as well as the other major thoroughfares throughout the County. However, during that update, existing site conditions and uses were not considered for all parcels and some parcels were rezoned to a classification that did not represent the existing use/conditions of the site.
- ◇ The petitioner initially contacted the Planning Department in an attempt to receive a “Legal Non-Conforming Use” (LNU) Certificate so that financing could be obtained. However, a structure that has received a LNU designation may not be reconstructed if 50% or more has been damaged. This was not sufficient to secure a loan from the finance company as well as being adequate for insurance purposes. Therefore, the petitioner is seeking the rezoning of the site so that the use will match the zoning classification and financing for the property may be obtained.



There were no remonstrators present.

Member Newman passed on a favorable recommendation for Petition 2008-Z-007 to the Board of Commissioners. Based on the Findings of Fact that even though this proposal does not comply with the Comprehensive Plan, the proposed classification is consistent with current conditions, the character of current structures and uses in the immediate districts. The purposed classification is consistent with the most desirable use for which the land is adapted. The proposal potentially conserves property values throughout the jurisdiction and the proposal is reasonable in regard for responsible development and growth.

Member Gary seconded the motion.

The vote was six yes; Maxwell, Gary, Newman, Wilson, Simmermon and Crenshaw. One no; Randall. The motion carried. **Petition #08-Z-007 will be forwarded to the County Commissioners with a favorable recommendation.**

2. Miscellaneous Ordinance Revisions

A. Wind Farm Ordinance – Benton County

Director Wilson passed out copies of the Wind Farm Ordinance which he had prepared utilizing Tipton and Benton County's ordinances as a guide.

I would also like to have input on how we go about approving something like this. I have recommended doing this as a Special Exception, not a Special Use. That Special Exception would be approved by the Plan Commission and not the BZA. This would also get the County Commissioners involved as the board would make a recommendation to them.

Director Wilson informed the board he and Brad Newman took a tour of the Wind Energy Conversion facilities in Benton County and were very impressed with the whole operation.

Director Wilson stated he would like the board to review the ordinance that he passed out and then have a discussion at the next meeting for their input.

Member Newman made a motion, seconded by Member Crenshaw to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:49:47 A.M.

Bill Maxwell, President

Beverly Guignet, Secretary

